

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that defendant Webb's motion dismiss and defendant Boothe's motion for summary judgment (Docket Numbers 18 and 24) are **GRANTED**. Any pending motions are hereby **DENIED as MOOT**, and this case is **STRICKEN** from the active docket of the court.*

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to plaintiff and to counsel of record for defendants.

ENTER: This 6th day of May, 2008.

James L. Tuck
Senior United States District Judge

* Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within thirty days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).